IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 2ND NOVEMBER 2006 / 11TH KARTHIKA 1928

WP(C).No. 15972 of 2004(B)

PETITIONER:

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1. C.S. JAYAKUMARI, AGED 49 YEARS,
   W/O. VIJAYAKUMAR, LIBRARIAN GRADE I,
   CENTRAL POLY TECHNIQUE, VATTIYOOR KAVU
   THIRUVANANTHAPURAM, RESIDING AT KARTHIKA,
   NETTANGE, KEEZHAROOR P.O., THIRUVANANTHAPURAM.

2. M.M. MOHAN, LIBRARY ATTENDOR
   VANITHA POLY TECHNIQUE, KALAMASSERY,
   ERNAKULAM.

BY ADV. SRI.P.K.MURALEEDHARAN

RESPONDENTS:

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1. THE SPECIAL DEPUTY TAHSILDAR
   (REVENUE RECOVERY) KERALA STATE FINANCIAL
   ENTERPRISES LTD., KACHERIPADY, ERNAKULAM
   COCHIN-18.

2. THE MANAGER, (KACHERIPADY BRANCH)
   KERALA STATE FINANCIAL ENTERPRISES LTD.,
   KACHERIPADY, ERNAKULAM, COCHIN-18.

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF DEMAND NOTICE DATED 3.4.2002

EXT.P2 & P2(a) TRUE COPY OF REVENUE RECOVERY/PROHIBITORY ORDERS DATED 9.1.2003

EXT.P3 & P3(a) TRUE COPY OF THE TRANSFER/COMMUNICATION OF RECOVERY BY THE HEAD OF THE INSTITUTION DATED 27.2.2003 & 27.5.2003 RESPECTIVELY.

EXT.P4 TRUE COPY OF THE PROHIBITORY ORDER DATED 22.10.2003

EXT.P5 TRUE COPY OF REPRESENTATION DATED 30.1.2003

EXT.P6 TRUE COPY OF REPRESENTATION DATED 10.11.2003

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 15972 OF 2004

Dated this the 2nd day of November, 2006

JUDGMENT

Petitioners are guarantors for the loan availed by another person from the KSFE. Petitioners' salaries are under attachment for a long period. According to the petitioners attachment of their salaries are subject to the ceiling provided under Section 60(1)(i) of the CPC. Since Section 80 of the RR Act provides for attachment of salary subject to ceiling provided under Section 60(1)(i) of CPC, there will be direction to the employers of the petitioners to limit the attachment subject to the ceiling provided therein. However, KSFE is free to proceed against the properties of principal debtor and guarantors.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge